

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, OCTOBER 4, 1989
7:30 P.M.

ROLL CALL

Present: Council Members - Olson, Reid,
Pinkerton and Snider (Mayor)

Absent: Council Members - Hinchman

Also Present: City Manager Peterson, Public Works
Director Ronsko, City Attorney McNatt, and
City Clerk Reimche

INVOCATION

The invocation was given by Dr. Wayne Kildall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Snider.

PRESENTATIONS

COMMENDATION PRESENTED
TO FIREFIGHTER JAKE SCHIERLING

CC-9
CC-34

A commendation was presented by Mayor Snider to Firefighter Jake Schierling for his life-saving efforts at a recent accident scene.

PROCLAMATIONS

CC-37

Mayor Snider presented the following proclamations:

a) "Fire Prevention Week"

b) "Public Power Week"

c) "Tokay High School Day"

DRIVING UNDER THE
INFLUENCE REPORTER'S
REWARD PROGRAM
(DUIRR) PRESENTATION

CC-6
CC-24(b)
CC-41

Following a presentation by Ken Cortner and other representatives of his group regarding the Driving Under The Influence Reporter's Reward Program (DUIRR), the City Council, on motion of Council Member Reid, Snider second, voted to support this program in the City of Lodi.

CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Reid, Olson second, approved the following items hereinafter set forth.

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Agenda item E-4, "Acceptance of improvements under City Council Chamber (Carnegie Library) Remodel, 305 West Pine Street" was removed from the agenda.

CLAIMS CC-21(a) Claims were approved in the amount of \$3,637,871.18.

MINUTES There were no minutes presented for approval.

CONTRACT AWARD FOR
TREE TRIMMING CONTRACT

RES. NO. 89-136

CC-12(a) The City Council adopted Resolution No. 89-136 awarding the contract for tree trimming (power line clearing) to the low bidder Asplundh Tree Expert Company, Clayton, CA.

The City Council was advised that on September 26, 1989, bids were received and opened for a tree trimming (power line clearing) contract. The bidders were asked to supply a per-hour cost including overhead, equipment, disposal of material and supervision for a "backyard crew" and a "street crew." The bids would then be evaluated using 90% of the backyard crew price plus 10% of the street crew price. Based on this evaluation criterion, Asplundh Tree Expert Company was the low bidder (See bid evaluation listed below).

Funding in the amount of \$95,000 has been included in the Electric Utility Department's 1989-90 fiscal year operating budget for this contracting service.

BID EVALUATION - EUD-89-10

TREE TRIMMING CONTRACT (POWER LINE CLEARING)

| Bidder | Backyard Crew \$/hr. | Street Crew \$/hr. | Bid Evaluation Price \$/hr. |
|---|----------------------------|--------------------------|-----------------------------------|
| Asplundh Tree Expert Co. Clayton, CA | 56.65 | 49.00 | <u>55.885</u> |
| Davey Tree Surgery Co Livermore, CA | 56.75 | 48.26 | 55.901 |

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ITEM REMOVED
FROM THE AGENDA

Agenda item E-4 - "Acceptance of improvements under City Council Chamber (Carnegie Library) Remodel, 305 West Pine Street" was removed from the agenda.

ACCEPTANCE OF
IMPROVEMENTS UNDER
WELL DRILLING,
WELL 23, 55 EAST HARNEY
LANE, CONTRACT

CC-90

The City Council accepted the improvements for "Well Drilling, Well 23, 55 East Harney Lane" and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The contract was awarded to Beylik Drilling, Inc. of La Habra on March 22, 1989, in the amount of \$98,460.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was July 3, 1989, and the actual completion date was July 14, 1989. The final contract price was \$99,020.00. The difference between the contract amount and the final contract price is mainly due to adjustment in well development time and liquidated damages. The delay in accepting the project was due to the contractor's tardiness in submitting payroll reports.

ACCEPTANCE OF IMPROVEMENTS
IN IRIS PLACE, UNIT NO. II,
1420 IRIS DRIVE

RES. NO. 89-137

CC-46
CC-300

The City Council adopted Resolution No. 89-137 accepting the development improvements for Iris Place, Unit No. II.

The City Council was apprised that improvements at Iris Place, Unit No. II, have been completed in substantial conformance with the requirements of the Development Agreement between the City of Lodi and H&M Builders, dated May 26, 1989, and as specifically set forth in the plans and specifications approved by the City Council.

The streets to be accepted are as follows:

| <u>STREETS</u> | <u>LENGTH IN MILES</u> |
|---------------------------------|------------------------|
| Iris Drive | <u>0.00</u> |
| TOTAL NEW MILES OF CITY STREETS | 0.00 |

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FINAL MAP, SUBDIVISION
AGREEMENT, AND EXECUTION
OF GRANT DEED FOR MISTY MANOR
APPROVED

CC-46

The City Council approved the final map for Misty Manor, Tract No. 2328, authorized the City Clerk to execute a grant deed to Larry Wynia for a portion of Elgin Avenue, and directed the City Manager and City Clerk to execute the subdivision agreement and map on behalf of the City.

The City Council was informed that this subdivision is located west of Seiko Avenue, between Elgin Avenue to the north and Valley Avenue to the south, and contains eight single-family lots.

The developers of Misty Manor Subdivision have received Planning Commission approval to extend Elgin Avenue from Seiko Avenue to Fawnhaven Subdivision. When Burgundy Village Subdivision was constructed in 1984, Elgin Avenue was to stop at Seiko Avenue. Right-of-way was dedicated and street improvements were installed with a residential street knuckle in mind.

Because Misty Manor is now constructing Elgin Avenue as a straight street, there is excess public right-of-way in the knuckle area and an additional dedication needed from the owner of 383 Elgin Avenue. Mr. Larry Wynia, the owner of 383 Elgin Avenue, has agreed to an exchange of property. The excess public right-of-way being dedicated to Mr. Wynia will be reserved as a public utility easement.

It was recommended that the City Council authorize the City Clerk to execute a grant deed to Mr. Larry Wynia for a portion of Elgin Avenue.

Jeffrey Kirst, the developer of this subdivision, has furnished the City with the improvement plans, the necessary agreements, guarantees, insurance certificates, and fees for the proposed subdivision.

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TRAFFIC RESOLUTION
AMENDMENT MODIFYING
EXISTING PARKING
RESTRICTIONS AT
WASHINGTON ELEMENTARY
SCHOOL, 831 WEST
LOCKEFORD STREET

RES. NO. 89-138

CC-48(a)
CC-48(k)
CC-300

The City Council adopted Resolution No. 89-138 amending the Traffic Resolution No. 87-163 to approve the relocation of existing passenger loading and the relocation/modification of the existing bus zone at Washington School.

The City Council was advised that the Public Works Department had received a request from Washington School Principal Frank Garcia to reduce traffic congestion created when students arrive and depart from school. Mr. Garcia requested the bus zone be relocated at the eastern end of the turnout. Staff agrees this would ease the congestion and improve the visibility for the crossing guard and students. Currently, the bus zone is adjacent to the crosswalks and it is difficult to see the motorists. The parents usually arrive before the buses which also makes it difficult for the buses to park. The bus zone will be signed for bus use only on school days between the hours of 7 a.m. to 4 p.m. and allow unrestricted parking at all other times. This zone has the advantage of providing additional parking during non-school hours for residents and other school activities such as PTA meetings and open house sessions.

The City's policy is to charge the District for modifications made to existing markings. We notified the District and they agreed to pay the cost of the modification which is \$728.40.

For the reasons indicated, staff recommended approval of this request.

TRAFFIC RESOLUTION
AMENDMENT - REMOVE
HANDICAP STALL AT
840 SOUTH CENTRAL AVENUE

RES. NO. 89-139

CC-48(a)
CC-300

The City Council adopted Resolution No. 89-139 amending Traffic Resolution No. 87-163 to remove the on-street handicap stall in front of the business located at 840 South Central Avenue.

The City Council was advised that the Public Works Department had received a request to remove the on-street

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handicap stall at 840 South Central Avenue. The handicap stall was installed for D&L Orthopedic which has moved. The request for removal was submitted by the operator of the new business, Heritage Wood Products, which replaced the orthopedic business. At this time, there are only five standard stalls and one handicap stall in front of three businesses. Since the handicapped stall is not needed and parking is limited in the area, staff recommended that the handicap stall be removed and replaced by a standard stall.

LEASE AWARD FOR 270 +/-
ACRES AT WHITE SLOUGH
WATER POLLUTION CONTROL
FACILITY

CC-27(b)

The City Council awarded the lease for the 270± acres of agricultural land at White Slough Water Pollution Control Facility to Alfred B. Bechthold and authorized the City Manager and City Clerk to execute the lease agreement.

The City went to bid for the 270± acres which were recently purchased for the expansion of the White Slough Water Pollution Control Facility. The existing lease expires at midnight on November 14, 1989. The following three bids were received:

| Bidder | Price per Acre | Annual Rent |
|---------------------|----------------|-------------|
| Alfred B. Bechthold | \$182.00 | \$49,140.00 |
| Lima Ranch | \$155.00 | \$41,850.00 |
| Tamura Farms | \$151.85 | \$41,000.00 |

It was staff's recommendation that the lease be awarded to Alfred B. Bechthold who is presently leasing other White Slough property.

PURCHASE AGREEMENT
FOR 520 WEST LODI AVENUE

CC-27(a)

The City Council approved the Purchase Agreement for 520 West Lodi Avenue and authorized the City Manager and City Clerk to execute the agreement.

The City Council was apprised that in August of 1988, the City received a right-of-entry agreement from the owners of this property so that the Hutchins Street widening project could proceed. However, because of complicated changes in title to the property, the City has just now received the deeds, easements, and right-of-way agreement. Under the agreement, the property owners will be paid \$7,199.

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PROGRAM SUPPLEMENT
FOR CLUFF AVENUE
RAILROAD CROSSING
PROTECTION

RES NO. 89-140

CC-7(f)
CC-300

The City Council adopted Resolution No. 89-140 approving Program Supplement #26 to Local Agency-State Agreement #10-5154 and authorized the City Manager and City Clerk to execute it on behalf of the City of Lodi.

This agreement covers the installation of railroad grade crossing protection at Cluff Avenue. The improvements will be made by Southern Pacific Railroad Company and include the installation of automatic gates. The City plans to install a traffic signal with railroad preemption at Victor Road and Cluff Avenue in the near future.

Federal funds cover 90% of the cost of installing the gates. The City is responsible for 10% which is estimated to be \$12,500. Funds have been budgeted in the Gas Tax Fund for the signal protection at Cluff Avenue and Victor Road. This grade crossing protection must be installed prior to the traffic signal.

AMENDED CLASS
SPECIFICATIONS FOR
PARK MAINTENANCE
WORKER III

RES. NO. 89-141

CC-34
CC-300

The City Council adopted Resolution No. 89-141 amending Class Specifications for Park Maintenance Worker III. These amendments were proposed in order to accurately maintain the City of Lodi's current classification plan and are routine updates of existing classifications.

The Parks and Recreation Department have worked with the Personnel Department and concur with these changes.

WHITE SLOUGH NO. 5
(NON-CONTIGUOUS)
ANNEXATION TO THE
CITY OF LODI

RES. NO. 89-142

CC-8(a)
CC-300

The City Council adopted Resolution No. 89-142 - A Resolution of the Lodi City Council Ordering the White Slough No. 5 (Non-Contiguous) Annexation to the City of Lodi Without Notice and Hearing.

The White Slough No. 5 annexation application was filed with the Local Agency Formation Commission by submittal of Resolution No. 89-86 adopted July 19, 1989 proposing to annex 270.4 acres of non-contiguous, City-owned property. The territory is a portion of the City's White Slough Water Pollution Control Facility located on both sides of the I-5 freeway, one mile south of State Highway 12, about five miles west of Lodi.

State law allows a city to annex non-contiguous territory provided that it is owned by the city and is used for municipal purposes. Although there is a 300 acre limit for most uses, a recent change allows for annexation of unlimited acreage if the property is used for wastewater treatment or disposal.

The City of Lodi's White Slough Water Pollution Control Facility encompasses about 1,246.4 acres. Most of the site is used for disposal of wastewater through spray irrigation. The City has previously annexed 976 acres which includes the treatment plant. This proposal would annex the remainder of the qualifying property.

The proposed annexation includes territory in both the Woodbridge Fire District and the Delta Fire District. Because of the distance from Lodi, it is proposed that the property remain in the Districts for fire protection.

The purpose of the annexation is to allow City jurisdiction over the City-owned property and to allow the property to be removed from the property tax roll. No special districts would be significantly affected by the annexation.

Following a public hearing regarding the matter held on September 15, 1989 before the Local Agency Formation Commission, the Local Agency Formation Commission of San Joaquin County determined and ordered the following:

- Section 1. The White Slough No. 5 (non-contiguous) annexation is approved subject to certain terms and conditions.
- Section 2. The boundaries are approved as set forth in diagram presented for Council perusal.
- Section 3. The territory proposed to be annexed is uninhabited.
- Section 4. The territory owned by the City of Lodi, is being used for wastewater treatment or disposal.
- Section 5. The City of Lodi is designated as the conducting agency and is authorized to complete proceedings for non-contiguous

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annexation without notice and hearing in accordance with Section 57002(b) of the Government Code.

AMENDMENT OF SECTIONS
3.24.010, 3.24.020,
and 3.24.040 OF THE
MUNICIPAL CODE PERTAINING
TO THE RETENTION OF LOST
AND UNCLAIMED PROPERTY

ORD. NO. 1462 INTRODUCED

CC-6 The City Council was advised that bicycles and other
CC-149 unclaimed property continues to pose storage problems for
CC-152 the Police Department. The bicycle storage area is full
 and additional evidence and property storage space is under
 construction in the basement.

State law requires the agency to retain evidence prior to, and during court proceedings until final disposition. The Civil Code requires an agency to retain unclaimed property for a period of at least three months.

Presently, the Lodi Municipal Code requires the police department to retain unclaimed property for a period of at least six months.

As the City of Lodi grows and storage space declines, it is imperative that we strive to streamline the City's property retention policies. As State law guides property retention requirements, the City should not place additional burdens by storing property longer than required.

The City Council introduced Ordinance No. 1462 - "An Ordinance of the Lodi City Council Amending Chapter 3.24 Relating to Lost and Unclaimed Property", thereby reducing the City to retain unclaimed property from six months to three months.

* * * * *

COMMENTS BY CITY
COUNCIL MEMBERS

The following comments were received under the "Comments by City Council Members" segment of the agenda:

FIRST LODI SYMPHONY
CONCERT ANNOUNCED
FOR THIS SEASON

Council Member Olson announced the first Lodi Symphony concert of this season will be held on October 14, 1989 at 8:00 p.m. at the United Congregational Christian Church located at Hutchins and Tokay Street.

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MEETING WITH
INTERNAL REVENUE
SERVICE

Council Member Pinkerton talked about his recent meeting with representatives of the Internal Revenue Service.

CHARLESTON MAYOR
SEEKS ASSISTANCE FOR
HIS COMMUNITY

Mayor Snider stated that he had received a letter from Charleston Mayor Joe Riley seeking assistance for his community which was devastated by Hurricane Hugo.

LEGISLATOR URGES
CITIES TO PROCURE
RECYCLED PRODUCTS

Mayor Snider stated that he had received a letter from Assemblywoman Delaine Eastin urging cities to procure recycled products.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

The following comments were received under the "Comments by the public on non-agenda items" segment of the agenda:

VETERANS OF FOREIGN
WARS REQUEST

CC-6

Mr. Earl Klein representing the Veterans of Foreign Wars, Lodi Post 1968 sought Council permission to allow their organization to tie red, white, and blue ribbons on trees in the downtown area which will remain in place from November 5, 1989 to November 11, 1989 to remember those who gave their lives and those who are missing in action in the service of their Country. Mr. Klein was directed to obtain an Encroachment Permit from the Public Works Department.

COMPLAINT RECEIVED
REGARDING WASTE
BINS AT KETTLEMAN STATION

CC-16

Mr. Larry Wynia, 383 Elgin Avenue, Lodi complained about a problem he has encountered with the handling of waste and waste bins at the Kettleman Station Shopping Center. The matter was referred to the City Manager.

CENTER OF HOPE
FUND RAISER ANNOUNCED

Dr. Wayne Kildall, Center of Hope urged the Community to support the Center of Hope in its upcoming fund raising effort, a spaghetti dinner being held next week.

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RECESS Mayor Snider declared a five-minute recess and the City Council reconvened at approximately 8:35 p.m.

PUBLIC HEARINGS Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Snider called for the Public Hearing to receive public input regarding consideration of the introduction of an ordinance setting and establishing increased rates for sewer service and connection fees.

CONSIDER ORDINANCE
SETTING AND ESTABLISHING
INCREASED RATES FOR
SEWER SERVICE AND
CONNECTION FEES

CC-51(a) City Manager Peterson introduced the matter advising that
CC-56 the City Council adopted Resolution No. 86-152 at its regular meeting of October 1, 1986 setting in place a schedule of annual sewer service charges and connection fees adjustments until such time as the White Slough Water Pollution Control Facility expansion project is completed or until that resolution is superseded. The adjustments are 15% effective each year on or as close to October 1 as feasible. This action will adjust the monthly sewer service charge for a two-bedroom house from \$5.38 to \$6.19 and the connection fee from \$1,587 to \$1,825.

The City Manager further pointed out that the funding for this major project is in place and construction should start in the month of December, 1989. The bid opening will be October 25, 1989. The project is now scheduled to come on line in mid-1991. A portion of the sewer service charges and all of the connection fee revenue have been dedicated to assist in the funding of this and future plant expansion projects. The continued assessment of these charges and fees will materially aid in the funding of the next plant expansion in the next 10 - 12 years or whenever is necessary as dictated by growth.

Additional information regarding the matter was provided by Public Works Director Ronsko.

Mrs. Margaret Sayler, P. O. Box 961, Lodi spoke in opposition to the increase stating that it was very difficult for seniors to continue paying increased utility bills.

Mrs. Barbara Miller, East Vine Street, Lodi asked about the billings for homes with swimming pools.

Additional discussion followed with questions being directed to staff.

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Council Member Olson moved for introduction of Ordinance No. 1463 - An Ordinance of the Lodi City Council Adopting a New Fee Schedule for Sewer Service and Connection Fees. The motion was seconded by Council Member Reid.

The motion failed by the following vote: This motion pursuant to law required a 4/5 vote of the entire Council for passage.

Ayes: Council Members - Olson, Reid, and Snider

Noes: Council Members - Pinkerton

Absent: Council Members - Hinchman

The City Council then continued the public hearing regarding consideration of the introduction of an ordinance setting and establishing increased rates for sewer service and connection fees to the City Council Meeting of November 1, 1989, requesting that a proposed ordinance be drafted that would have a single connection fee. Further, the City Manager was directed to have this matter as an agenda item for an Informal Informational Meeting (Shirtsleeve Session) to be held prior to November 1, 1989.

PUBLIC HEARING REGARDING
INTRODUCTION OF AN
ORDINANCE SETTING AND
ESTABLISHING INCREASED
RATES FOR ELECTRIC UTILITY
SERVICE

ORD. NO. 1464 INTRODUCED

CC-51(d)
CC-56
CC-149

The matter was introduced by Electric Utility Director Henry Rice who advised the City Council that four and one-half years ago Lodi electric rates were adjusted to produce increased revenue and no additional revenue increases have been requested since February 1985.

The proposed new rates will increase revenue less than \$2.0 million, however, supplemental revenue drawn from the electric stabilization fund will produce necessary amounts to adequately meet all estimated departmental expenses, including contribution to the General Fund (8% of budgeted sales).

An increase in electric rate revenue of 7.6% is needed to help offset bulk power costs which are expected to greatly impact expenses for about a three-year period. Supplemental contributions from the Electric Utility Rate Stabilization Fund will be utilized during that approximately three-year period which, in combination with moderate rate adjustment, should avoid rate shock to the consumer.

Proportionment of the 7.6% rate revenue increase was heavily weighted toward those customers who presently enjoy a significantly lower electric rate based upon similar service in contiguous utility service area. Generally, Lodi residential rates are more than five times less costly than the magnitude of Lodi industrial/commercial rates compared to PG&E.

PROPOSAL DETAILS: With City Council approval of the proposed rates, a residential customer who uses 500 kilowatt-hours (kwh) of electricity per month (typical average customer) would see a monthly electric bill increase of \$4.79 in summer, from \$32.73 to \$37.52; and \$4.96 in winter, from \$34.33 to \$39.29. A residential individual bill may differ from this example.

In comparing the proposed Lodi rates to PG&E's present local base customer rates at the usage of 500 kwh, there would be a monthly difference of \$8.01 in summer, \$37.52 to \$45.53; and \$8.19 in winter, \$39.29 to \$47.48. PG&E has a requested increase scheduled to be implemented on January 1, 1990, which will additionally widen the difference.

The classifications of Small Commercial (G1), Medium Commercial (G2) and Industrial (G3) are set to increase 5.3%, 4.4% and 0.4% respectively for class average.

This proposal will increase annual revenue by approximately \$1.9 million.

TIMING: The new rate structure should be effective with utility bills prepared on or after November 1, 1989.

Addressing the City Council regarding the matter were:

- a) Leona Miller, 513 E. Tokay Street, Lodi
- b) Margaret Sayler, P. O. Box 961, Lodi
- c) Dr. Wayne Kildall, 1426 W. Lockeford Street, Lodi
- d) Eileen M. St. Yves, 310 S. Orange #60, Lodi
- e) Fred Eihler, Almond Drive Mobile Home Park, Lodi
- f) Stanley Teausant, 900 S. Pleasant Avenue, Lodi

There being no other persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

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Following a lengthy discussion with questions being directed to staff, Council, on motion of Council Member Reid, Olson second, introduced Ordinance No. 1464 entitled, "An Ordinance of the Lodi City Council Repealing Ordinance No. 1348 of the City of Lodi and Enacting a New Ordinance Establishing Rates for the Sale of Electric Energy by the City of Lodi". The motion carried by the following vote: This motion pursuant to law required a 4/5ths vote of the entire City Council.

Ayes: Council Members - Olson, Pinkerton, Reid, and Snider

Noes: Council Members - None

Absent: Council Members - Hinchman

PLANNING COMMISSION City Manager Peterson presented the following Planning
REPORT Commission Report of the Planning Commission Meeting of
September 25, 1989:

CC-35

1. Following a Public Hearing the Planning Commission took the following actions:
 - a. Recommended to the City Council the certification of the Final Environmental Impact Report for Sunwest Plaza, a 23.68 acre commercial shopping center proposed for the southeast corner of West Kettleman Lane and Lower Sacramento Road.
 - b. Recommended to the City Council that the Land Use Element of the Lodi General Plan be amended to accommodate the Sunwest Plaza project by redesignating the area from Low Density Residential to Commercial and that the property be rezoned C-S, Commercial Shopping Center.
 - c. Recommended to the City Council the certification of the Final Environmental Impact Report for Kettleman Properties, a 51 acre commercial project located at the northeast corner of East Kettleman Lane and Beckman Road.

As a part of the certification, the Planning Commission recommended that the City Council seriously consider the realignment of South Beckman Road as one of the possible mitigation measures for the traffic impacts that will result from this project.

- d. Recommended to the City Council that the Land Use Element of the Lodi General Plan be amended to accommodate the Kettleman Properties project by redesignating the property, from Light and Unclassified Industrial to Commercial and that the property be rezoned C-2, General Commercial.

Mayor Snider asked to abstain from voting on items a and b, because of a possible conflict of interest.

On motion of Council Member Pinkerton, Reid second, the City Council set items, a, b, c, and d heretofore listed for public hearing on October 18, 1989.

OF INTEREST TO THE CITY COUNCIL

2.

The Planning Commission also took the following actions:

- a. Conditionally approved for a period of one year the Use Permit (U-89-23) request of Mr. Trucker Inc. to install a temporary office trailer at 1533 South Stockton Street in an area zoned M-2, Heavy Industrial.
- b. Conditionally approved a Lot Line Adjustment (89 R 016) for B.T. Reeves at 300 West Pine Street in an area zoned R-C-P, Residential-Commercial-Professional.
- c. Accepted the request of Roxanne Marie Hess to withdraw her Use Permit application for a residential child day care operation at 1127 Dover Drive.

3.

Set the following items for Public Hearing at 7:30 p.m., Monday, October 9, 1989:

- a. USE PERMIT U-89-02 - 215 NORTH HAM LANE (LAKEWOOD MALL), REQUEST OF MARLON DEGRANDMONT for an entertainment center in Suite 7, Lakewood Mall, in an area zoned C-S, Shopping Center.
- b. THE REQUESTS OF RON THOMAS:
 - 1. to approve the Tentative Subdivision Map (89 S 011) of Sunwest Unit No. 11, a proposed 3.7± acre, 16 lot single-family residential project located at the southeast corner of Lower Sacramento Road and West Vine Street (APN 027-040-40), in an area

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zoned RCP, Residential-Commercial-Professional.

2. to amend the Land Use Element of the Lodi, General Plan by reclassifying the 3.7± acre parcel located at the southeast corner of Lower Sacramento Road and West Vine Street from Office-Institutional to Residential-Low Density.
3. to rezone the 3.7± acre parcel located at the southeast corner of Lower Sacramento Road and West Vine Street from R-C-P, Residential-Commercial-Professional, to R-1, Single Family Residential.
4. to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects.

COMMUNICATIONS (CITY CLERK)

APPOINTMENT TO LODI ARTS COMMISSION

CC-2(k) On motion of Council Member Reid, Olson second, the City Council concurred with the Mayor's appointment of Reverend Harmon Skillin to fill an unexpired term on the Lodi Arts Commission, which term will expire May 5, 1991.

APPOINTMENT TO THE SAN JOAQUIN COUNTY COMMISSION ON AGING

CC-2(a) On motion of Council Member Olson, Reid second, the City Council concurred with the Mayor's appointment of Eleanor Todd to fill an unexpired term on the San Joaquin County Commission on Aging, which term will expire June 30, 1991.

SADDLE CITY REQUESTS CITY SERVICE

CC-6
CC-51(b) City Manager Peterson advised that a letter had been received from San Joaquin County requesting the City of Lodi to provide sewer service to Saddle City. This matter will appear on the November 1, 1989 City Council agenda.

REGULAR CALENDAR

TRANSFER OF FUND
FROM RATE STABILIZATION
FUND TO ELECTRIC UTILITY
OUTLAY RESERVE FUND APPROVED

CC-6 On motion of Council Member Pinkerton, Reid second, the
CC-21(a) City Council authorized the transfer of \$1,500,000 from the
CC-51(d) Rate Stabilization Fund to the Electric Utility Outlay
Reserve Fund to provide for disbursements in connection
with the construction of the Industrial Substation.

The City Council was advised that the Industrial Substation to be located on East Lodi Avenue near the intersection of Cluff Avenue will soon be under construction. The City Council has already approved the purchase of various pieces of equipment for this project most of which will not be delivered for several weeks or months. The Finance Director and Electric Utility Director have established a number of accounts to which these acquisitions will be charged. This transfer will provide for the initial funding of this project from the appropriate accounts.

EMERSON PARK PROJECT,
PHASE II

CC-27(c) The City Council was reminded that it recently entered into an agreement with the Lodi Lions Club for the redesign and rehabilitation of Emerson Park. The Lions Club's contribution over the next five years will be \$20,000 in cash, along with a substantial amount of donated labor. The Club is being assisted by City crews and the project is also benefitting from City funding.

The Lodi Lions Club members have completed Phase I in an incredibly short period of time. We originally viewed Phase II as being undertaken next spring, but the club membership, enthused with the success of the first phase, is most anxious to retain the momentum by proceeding with Phase II at this time. The membership has done an outstanding job.

Phase II consists of the installation of a concrete mowing strip and paving stones in the area around the southern grouping of playground equipment. The two play areas will be linked with walkways also. Some benches are also included in Phase II. Phase III is a covered picnic and barbecue area, also with paving stones, and will be undertaken at a later date, probably next year.

Prior to moving ahead with Phase II, it is necessary to prepare detailed plans. Some electrical and sprinkler modifications are also involved. Authorization for the preparation of these plans is the next step. Funding will

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be realized from other department projects previously, budgeted but not undertaken as of this date. These projects will be rebudgeted.

Mr. Bud Adams representing the Lodi Lions Club addressed the City Council indicating the Club's desire to go forward immediately with Phase II of the project.

Following discussion with questions being directed to Staff and to Mr. Adams, the City Council on motion of Council Member Pinkerton, Olson second, authorized the expenditure of \$1,320 for the preparation of plans for the completion of Phase II of the Emerson Park improvement project and \$20,000 for the completion of this project. These funds are to be transferred from the Contingency Fund.

The City Council extended its sincere appreciation to the Lodi Lions Club for its outstanding support of this project.

PROHIBITION OF PARKING
ON LOWER SACRAMENTO
ROAD - TURNER ROAD TO
WEST LODI AVENUE

RES. NO. 89-143

CC-45(i)
CC-48(e)
CC-300

The City Council was reminded by City Manager Peterson that in 1986 it adopted an ordinance prohibiting the display of vehicles for sale except in the area directly in front of the owner's residence. That ordinance was challenged and ruled invalid in the Lodi Municipal Court. The Council last year adopted a similar, but far less stringent, ordinance. Unfortunately, this second ordinance has not satisfactorily addressed the problem. The primary source of the problem is that area of Lower Sacramento Road from West Turner Road to West Lodi Avenue, a distance of one mile. That portion of Lower Sacramento, in the area between the curb and pavement of the travel way, has become a display area of vehicles for sale. Offered for sale are automobiles, pick-up trucks, vans, campers, boats, trailers, and in some cases articles for sale in the beds of pick-up trucks. The vehicles are usually parked perpendicular or at a 45° angle to traffic.

In addition to being very unsightly, this practice is dangerous. Motorists frequently slow to view the offerings as they drive by. Others cut across the street across on-coming traffic to inspect the vehicles close-up. People walk around these vehicles dangerously close to the traffic which is passing by at speeds in the range of 45-55 miles per hour. In addition, we have received complaints from motorist citing view obstruction when attempting to enter Lower Sacramento Road from a side street.

Approval of this recommendation will cause no inconvenience to the residents of Lower Sacramento Road since these residences are served by a frontage road. On the contrary, the residents of Lower Sacramento Road will no doubt hail this action as relief from these unsightly displays in their neighborhood.

Following discussion with questions being directed to Staff, the City Council, on motion of Council Member Reid, Olson second, adopted Resolution No. 89-143 amending the City of Lodi Traffic Resolution No. 87-163 thereby providing for "No Parking" on Lower Sacramento Road from West Turner Road to West Lodi Avenue.

RESOLUTION ADOPTED
URGING THE RAIDERS
TO RETURN TO NORTHERN
CALIFORNIA TO A PERMANENT
STATE OF THE ART HOME
IN SACRAMENTO

RES. NO. 89-144

CC-6
CC-300

The City Council was advised that Sacramento business and governmental leaders are working together to attract an NFL franchise. This effort, if successful, will mean a major boost for the economy of Sacramento and the surrounding area. It will make major league sports and other stadium events much more accessible to the over 5 million people living in this area. At present, there is no major stadium, much less an NFL team, outside the Bay Area and Southern California.

Following discussion, on motion of Council Member Pinkerton, Olson second, the City Council adopted Resolution No. 89-144 - a Resolution of support urging the Raiders to return to Northern California to a permanent state of the art home in Sacramento.

URGENCY ITEM ADDED
TO THE AGENDA PURSUANT
TO STATE LAW

SEWER BACKUP ACCIDENT

CC-6
CC-21.1(a)
CC-44

City Manager Peterson advised the City Council that there was an emergency situation that had developed and the need to take action on the matter arose after the preparation and posting of the agenda being posted.

On motion of Council Member Olson, Pinkerton second, the City Council determined that pursuant to Government Code Section 54954.2 that an emergency situation has developed and the need to take action arose after the preparation and posting of the agenda.

Continued October 4, 1989

On motion of Council Member Olson, Pinkerton second, the City Council added to the agenda - Report and direction regarding City sewer backup which occurred October 2, 1989 in the area of the 600 block of Joaquin Street and the 1800 block of Autumn Way.

Following a report of the damage which occurred in this sewer backup by City Manager Peterson, the City Council, on motion of Council Member Pinkerton, Reid second authorized the City Manager and City Clerk to negotiate settlement in excess of \$5,000 for individual claims pertaining to this accident.

ORDINANCES

ORDINANCE ADOPTING A
CAPITAL IMPROVEMENT
PROGRAM BUDGET FOR WATER,
WASTEWATER, MASTER DRAINAGE,
AND PUBLIC FACILITIES FOR
CITY OF LODI FOR 1989/90 APPROVED

ORD. NO. 1461 ADOPTED

CC-15
CC-149

Ordinance No. 1461 entitled, "An Ordinance of the Lodi City Council Adopting a Capital Improvement Program Budget for Water, Wastewater, Master Drainage, and Public Facilities for the City of Lodi for Fiscal Year 1989-90" having been introduced at a regular meeting of the Lodi City Council held September 20, 1989 was brought up for passage on motion of Council Member Reid, Olson second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Olson, Pinkerton, Reid, and
Snider

Noes: Council Members - None

Absent: Council Members - Hinchman

ADJOURNMENT

There being no further business to come before the City Council, Mayor Snider adjourned the meeting at approximately 10:35 p.m. It was determined that it was not necessary to adjourn the meeting to Tuesday, October 10, 1989 at approximately 8:00 a.m. (immediately following the Informal Informational Meeting of that date) for the purpose of a Closed Session regarding labor relations.

ATTEST:

Alice M. Reimche
Alice M. Reimche
City Clerk